

**INITIATIVE PETITION  
TO THE SECRETARY OF STATE  
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

**SPONSORING COMMITTEE**

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

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## PETITION TITLE

This initiated measure would amend section 2 of article IV of the North Dakota Constitution by creating an appointed independent redistricting commission, which would establish a legislative redistricting plan following each federal decennial census, provide a public comment period, and determine appeals by members of the legislative assembly affected by certain changes in the boundaries of legislative districts.

## FULL TEXT OF THE MEASURE

**IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 2 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. The legislative assembly ~~shall fix~~ may change the number of senators and representatives not more than once in every ten years. An independent legislative redistricting commission shall be constituted on or before the first day of March in each year immediately following the year a federal decennial census is conducted. The independent legislative redistricting commission shall consist of one member appointed by each of the presiding judges from each judicial district. A chair of the independent legislative redistricting commission shall be appointed by a commission consisting of the chair of the geography department of the University of North Dakota, the majority and minority leaders of the North Dakota Senate, and the majority and minority leaders of the North Dakota House of Representatives. and The independent legislative redistricting commission shall divide the state into as many senatorial districts of compact and contiguous territory as there are senators. ~~The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census or until changed by law.~~

~~The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A~~

senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts ~~from~~ within those districts. The independent legislative assembly redistricting commission may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts ~~from~~ within those districts.

**SECTION 2.** New subsections 1 - 10 of section 2 of Article IV of the Constitution of North Dakota is hereby created and enacted as follows:

1. A member of the independent legislative redistricting commission may be removed by the chief justice for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. If a vacancy arises on the commission due to the removal of a member or due to the death or resignation of a member, the individual who appointed the member or that individual's successor shall fill the vacancy by appointing a new member.
2. An individual appointed to serve on the commission may not have sought or held a legislative or a statewide elective office at any time during the five years preceding appointment to the commission or been registered as a lobbyist for one year preceding appointment. The name of a member of the commission may not be printed on the ballot as a candidate for legislative office within two years after the individual has completed service on the commission.
3. Five members of the commission constitute a quorum and five or more affirmative votes are required for any official action to approve a redistricting plan.
4. The commission shall establish a legislative district plan by creating districts of equal population in a gridlike pattern across the state. The commission may make adjustments to the grid as necessary to accommodate the following goals:
  - a) Districts must guarantee, as nearly as practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates and must comply with the United States Constitution.
  - b) Districts must be geographically compact and contiguous to the extent practicable.
  - c) Districts must respect communities of interest to the extent practicable.
  - d) District lines must be based upon visible geographic features, political subdivision boundaries, and undivided census tracts to the extent practicable.

- e) District lines may not be based on the political affiliation of voters, voting data from previous elections, or the race, ethnicity, or national origin of voters unless otherwise required by federal law.
- 5. Before July first of the year following the year in which the federal decennial census was taken, the commission shall release proposed redistricting plans for a thirty-day public comment period. The commission shall hold public hearings during the comment period and consider recommendations before establishing the final district boundaries.
- 6. The commission shall file with the secretary of state an approved redistricting plan for the legislative assembly no more than sixty days following the close of the public comment period. Upon the approval of a redistricting plan by the commission, the commission shall dissolve. If a court enters a final judgment enjoining the use of a redistricting plan prepared under this article, the commission shall reconvene promptly and prepare, approve, and file with the secretary of state a revised plan within sixty days of the judgment.
- 7. Any member of the legislative assembly may appeal proposed changes in the boundaries of the senatorial district or subdistrict which the member represents. All appeals must be filed with the chairman of the independent legislative redistricting commission during the comment period provided in subsection 5.
- 8. The chairman of the independent legislative redistricting commission shall consider all appeals from any member of the legislative assembly which allege:
  - a) That a change in the boundaries of a senatorial district or subdistrict recommended by the independent legislative redistricting commission has excluded the residence of the appealing member from the senatorial district or subdistrict which the member represents, or;
  - b) That a change in the boundaries of the senatorial district or subdistrict recommended by the independent legislative redistricting commission has incorporated the residence of another member of the legislative assembly so that:
    - i. Two or more sitting members of the North Dakota Senate will reside in the same senatorial district if the proposed change in district boundaries is adopted, or;
    - ii. Three or more sitting members of the North Dakota House of Representatives will reside in the same subdistrict from which two representatives will be elected if the proposed change in subdistrict boundaries is approved, or;
    - iii. Five or more sitting members of the North Dakota House of Representatives will reside in the same senatorial district from which four representatives will be elected at large if the proposed change in district boundaries is approved.
  - c) If the chair of the independent legislative redistricting commission determines that the factual allegations of any appeal by a member of the legislative assembly are accurate, the chair will direct the members of the independent legislative redistricting commission to either

- a) Redraw the proposed boundaries of the senatorial district or subdistrict named in the appeal in a manner which eliminates the change in district residence complained of, or
  - b) Provide a written explanation of the reasons why any attempt to redraw the proposed boundaries of a senatorial district or subdistrict will compromise the geographic compactness of the district, or would create an advantage or disadvantage to the electors of the proposed district in their ability elect members of the legislative assembly.
9. Except for revisions to a redistricting plan required as a result of a court entering a final judgment enjoining use of a redistricting plan, a plan approved by the commission must remain unaltered until a new commission is formed following the next federal decennial census.
10. The legislative assembly shall appropriate funds necessary for the operation of the commission and the efficient performance of the commission's duties. The legislative assembly shall provide compensation and expense reimbursement to commission members during periods of service of the commission as provided for other state officers and employees.

## INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their complete residential address or rural route or general delivery address and the date of signing. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

## QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
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Month, Day, Year	Name of Qualified Elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
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Month, Day, Year	Name of Qualified Elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
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**STATE OF NORTH DAKOTA** )  
 )ss.  
**COUNTY OF** \_\_\_\_\_ )  
(county where signed)

I, \_\_\_\_\_, being sworn, say that I am a qualified elector; that  
(circulator)

I reside at \_\_\_\_\_ ;  
(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

\_\_\_\_\_  
(signature of circulator)

Subscribed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_, North Dakota.  
(city)

**(NOTARY SEAL / STAMP)**

\_\_\_\_\_  
(signature of notary)

Notary Public

My commission expires \_\_\_\_\_